

February 6, 2012

Via Electronic and First Class Mail

Mayor and Council of Rockville
111 Maryland Avenue
Rockville, Maryland 20850

Re: Historic Designation of 201 Upton Street

Dear Mayor and Council members:

On December 15, 2011, three of the five members of Rockville's Historic District Commission (HDC) met and voted, with two commissioners voting for and one voting against, to recommend to the Mayor and Council the historic designation of the property located at 201 Upton Street (Property). The HDC's decision was contrary to HDC Staff's recommendation, does not really reflect the facts, and most importantly, was contrary to my father's wishes. This matter is scheduled to come before you at the March 5, 2012 M & C meeting when you will be asked to consider authorizing a filing of a sectional map amendment for the Property. Through this letter, I am writing to respectfully ask that the Mayor and Council not follow the HDC's recommendation, and vote not to proceed with the historic designation of the Property.

My father, Kermit B. Mohn, died in July of 2011, two weeks shy of his 99th birthday. My brother, Eric, died in 2008. I, Kermit S. Mohn, am the successor trustee of the family trust and in charge of administering the provisions of the trust. The HDC's decision appeared to be based on two of the HDCs members feeling my father's and brother's stories were of sufficient historic significance to warrant the Property be designated as historic, thereby effectively requiring the exterior of the home to remain in its current state in perpetuity.

My father was a wonderful man, who gave much to Rockville City and Montgomery County, but honoring his accomplishments through historic designation of the Property is not the appropriate mechanism. My father's work as an advocate for people with disabilities and my brother's artistic achievements are not tied to anything that occurred in the house. In fact, most of that work was conducted elsewhere. My father maintained an office at the Montgomery County Department of Health and Human Services for many years and my brother relocated long ago to, first, Gaithersburg and, then, Thurmont, Maryland where his widow Rita Mohn still lives. Further, it was not my father's desire for the Property to be an eternal memorial to him.

My deceased Father's wishes, as they were made known to me, were for the Property to be sold quickly with the proceeds added to the assets of the trust and distributed promptly to his beneficiaries. Nothing in his trust documents and other written instructions, or any further conversations with me, ever indicated to me that he desired historic designation for the Property. In fact, he actually mentioned in a short note that, when the time came, I might want to approach a neighbor, a local architect, with an invitation to buy the home. This architect was known to my father as someone who

Printed To: Mayor

☒ Council

☐ City Clerk

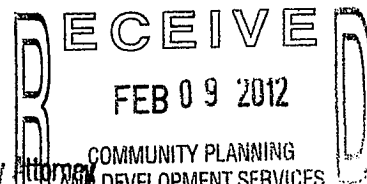
☒ City Manager

J. Kimball

☐ City Attorney
☐ Council Support Specialist

☒ Other Susan Swift

Robin Ziek



had demolished and rebuilt, rather than modify, an older home in close proximity to his house. This possibility was not a concern to my father. His home, built in 1944, needs a considerable amount of work to make it marketable. He chose not to make newer, major upgrades to preserve his funds for his heirs. He recognized the possibility that it might be more cost-effective for a buyer to remove the old and rebuild a new home. Additionally, he made little to no effort to maintain the historic integrity of the home modifying it many times over the years.

As indicated in the City of Rockville Historic Staff's report, the home in its current state has little remaining architectural historic significance nor is it surrounded or in close proximity to other historically designated structures. A number of changes have been made to the exterior of the home over time without regard to the types of materials or construction that would have been needed if the house were ever to be named historic. For example, siding was installed and windows were replaced with ones that are not similar in style to the original ones. The wooden ramping, which the HDC is requiring be retained as part of its recommendations, was left up by my father simply because he simply did not want to go to the expense of removing it, not because it was integral to the house or my brother's memory (my father removed the ramp to the front entrance after Eric's death). The ironic thing about the requirement to maintain the ramping is that it does not meet the current requirements of the ADA as there is not a level access to the ramp, making the house inaccessible to anyone using a wheelchair now.

My father's life was certainly noteworthy, and there are many other ways to honor his life. One of them is to put more emphasis on the work of public accommodation for all in determining the recipient of the City's annual F. Michael Taff Award. An award, given in the 1990's by the Montgomery County Commission on People with Disabilities to local businesses, the Kermit Mohn Barrier-free Design Award, epitomized this. Another way to honor him is for the County and the City to continue to be leaders in complying with the Americans with Disabilities Act (ADA). The curb cuts on Rockville streets, the physical accessibility of the public buildings in this community, and the recognition of the right of Rockvillians with disabilities and their families to determine their own lives with dignity and respect are examples of the true legacy of my father. But he is just one of many who have worked diligently to improve the lives of people with disabilities.

Although any aspect of the proposed replacement home is technically not a criterion in determining historic designation, it is obviously a concern of the neighbors and others. The prospective buyers are aware of the fear of change and the need to be sensitive to the issue of "mansionization" in Rockville, especially in the West End neighborhood where the house is located. They are, I believe, taking great care that the home they propose to build does not fall in this category. They are excited about moving to Rockville and intend to live in this house the rest of their lives. I have included some information on the home they propose to build.

My legal duties as the trustee of my father's trust require that I abide by his wishes. My decision to sign a contract to sell the house to someone who I knew intended to replace the structure with a new home was completely consistent with my duties. If the contract is lost due to this designation, my father's wishes would be ignored and his beneficiaries' rights diminished. One of those beneficiaries is my

deceased brother's wife, whose financial security could be jeopardized if there are impediments to a sale for full value, since she lives on just Social Security after leaving the work force twenty years ago to care for my brother. Until his death six months ago, she also received monthly assistance from my father directly, which would now be accomplished through her share of the proceeds of the trust. Moreover, if this contract is lost, it will likely create hesitancy in prospective buyers who are uncertain of the implications for improvements in the future. As I see it, historic designation will add time and cost to the disposal of my father's estate, which, if he were alive, he would vehemently oppose.

I implore you to please let this wonderful parent, Kermit Mohn, accomplish what any responsible parent wants upon death, to pass his or her hard earned estate to the heirs without hindrance or penalty due to perceptions that, while they may seem well-meaning, are somewhat misplaced. I respectfully request that the Mayor and Council not authorize the filing for historic designation of my father's house, thereby allowing the permit for demolition to go forward. Thank you for consideration of this request. I am available at any time to discuss this further.

Sincerely,

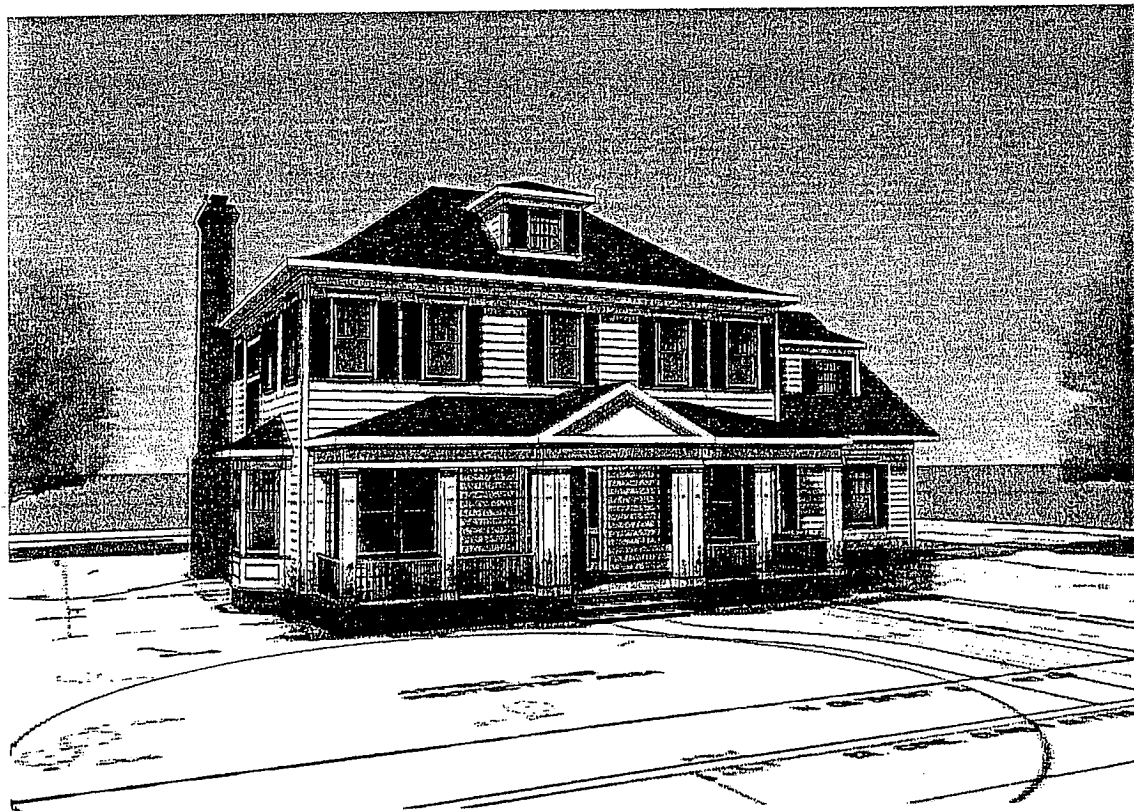
Kermit S. Mohn
Successor Trustee

Enclosure

The following land utilization information is from a preliminary site plan for the 201 Upton Street property prepared by CAS Engineering of Mt. Airy, Maryland, for Christopher and Pearl Kern:

- Land area: 16,292 sq. ft.
- Footprint of planned new home: 3,021 sq. ft. (18.5 percent of land area).
- New home would follow established setbacks on both Upton Street and Beall Avenue.
- Front façade of new home would line up with façade of existing structure.

The Kerns' new home would have what is commonly referred to as an "American Foresquare" design in a "Craftsman style," with an attached garage on the right (Beall Avenue) side. This traditional elevation should blend in harmoniously with the other homes in the 200 block of Upton Street. (Note: because the Kerns suspended the project due to the HDC recommendation, they have not yet determined whether they can afford the full-width front porch or will need to proceed instead with a small stoop and portico similar to the front entrance of the existing structure.)



2/23/12

Mayor and Council

I understand that at your meeting of March 5, 2012 the Mayor and Council will consider historic designation of 201 Upton Street, Rockville, Maryland.

As a member of the Rockville Senior Center, I exercised with Kermit Mohn and had coffee with him three days a week over the six years prior to his death. During one of these sessions the subject of historic designation in the city of Rockville was discussed. I asked Kermit if his home was designated historic and he said it was not and he emphatically stated that he did not want it so designated.

I think it is appropriate that you consider Kermit's wishes as you contemplate this important step.

Jim Pielert
4632 Cherry Valley Drive
Rockville, MD 20853
japielert@comcast.net
301-774-7995

(2/28)

Mayor Marcuccio and Council,

My name is Eric Abbott, my wife Mary and I live at 204 Upton St, across from the late Kermit Mohn's house at 201 Upton. I have lived on Upton St since 1970, and at 204 since 1976. I purchased my home from my father in 1998. I delivered the paper to Kermit and Evelyn as a kid, and we both knew, cared for and 'watched out' for Kermit up until the end. As a long time resident of the neighborhood, I feel somewhat qualified to comment on the measure to designate 201 as a historical structure.

201, as with just about all of the houses on Upton St, has undergone numerous changes, additions and modifications since it was first built. Significantly, it was chopped up and modified to accommodate the requirements of Kermit's son Eric, who I'm sure you know was a quadriplegic and required ease of access, ramps, etc. As such, it no longer resembles the original structure and, at least in my mind, is anything but historical. It was modified to serve that specific requirement and won't fit anybody else's needs without extensive and expensive renovations. Granted, it served Kermit and his family well, and is still has a nice external aesthetic to it, but to call it "Historic" is stretching the meaning of the word. If this property were designated as such, then every house in Rockville built around the same time should receive the same status, including much of the rest of the West End, Twinbrook and the Maryvale neighborhoods. Then Rockville becomes a 'still-frame' and static and we lose the vitality and dynamics that draw people here in the first place.

As far as the proposed structure that the buyer-in-waiting has designed, I think it would be a welcome and complimentary addition to Upton St. Thankfully, there

isn't a single template for homes on Upton St. I for one like not having an HOA telling me that my home has to look a certain way. It's always been a conservative but eclectic style and we welcome another style to the block. Additionally, it would undoubtedly cause an increase in all of our housing values, with a concurrent increase in tax revenues, and I know Rockville is always looking for ways to increase its tax base.

Finally, the idea that tearing down the house will dishonor Kermit's memory is ridiculous. We remember the man and his humble, cheerful spirit as well as his long and distinguished reputation, not the building where he lived. I'm certain Kermit would have absolutely no problem with another family building and settling into their own home on the spot of his old house. The Mohns don't live there anymore.

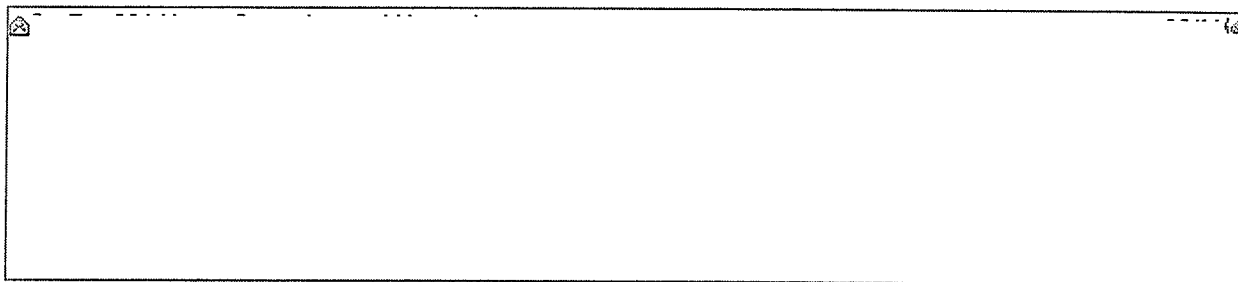
Respectfully,

Eric and Mary Abbott
204 Upton St
Rockville, MD 20850
301-315-8070

**Fw: 201 Upton Street Lot and House Images**

Sara Louise Ferrell to: Brenda Bean, Robin Ziek

02/28/2012 12:21 PM



Sara Taylor-Ferrell
 Assistant to the City Clerk
 City of Rockville
 111 Maryland Avenue
 Rockville, MD 20850
 240-314-8283
 (fax) 240-314-8289
 sferrell@rockvillemd.gov

----- Forwarded by Sara Louise Ferrell/RKV on 02/28/2012 12:27 PM -----

From: <kmohn@hargray.com>
 To: <sferrell@rockvillemd.gov>
 Date: 02/16/2012 10:42 PM
 Subject: Fwd: 201 Upton Street Lot and House Images

Hi Sara

I sent this email to the Mayor. Please make sure she received it and the email it in turn forwarded.

Thank you

K. Stephen Mohn 843-816-2462

--- the forwarded message follows ---

----- Message from <kmohn@hargray.com> on Thu, 16 Feb 2012 22:36:04 -0500 -----

To: <pmarcuccio@rockvillemd.gov>

Subject Fwd: 201 Upton Street Lot and House
 : Images

Mayor Marcuccio

In response to your request earlier today, I am forwarding an email which shows the top down diagram of the home proposed to be built on my Father's lot. The front of the house faces Upton Street with the garage on the right side facing Beall Avenue.

I have also included the full page rendering of the house which you already have seen.

Please let me know if you have additional questions.

Respectfully

K. Stephen Mohn

--- the forwarded message follows ---

----- Message from Chris Kern <christopher.kern@gmail.com> on Thu, 16 Feb 2012 22:12:30 -0500 -----

To: Steve Mohn <kmohn@hargray.com>

Subject 201 Upton Street Lot and House

: Images

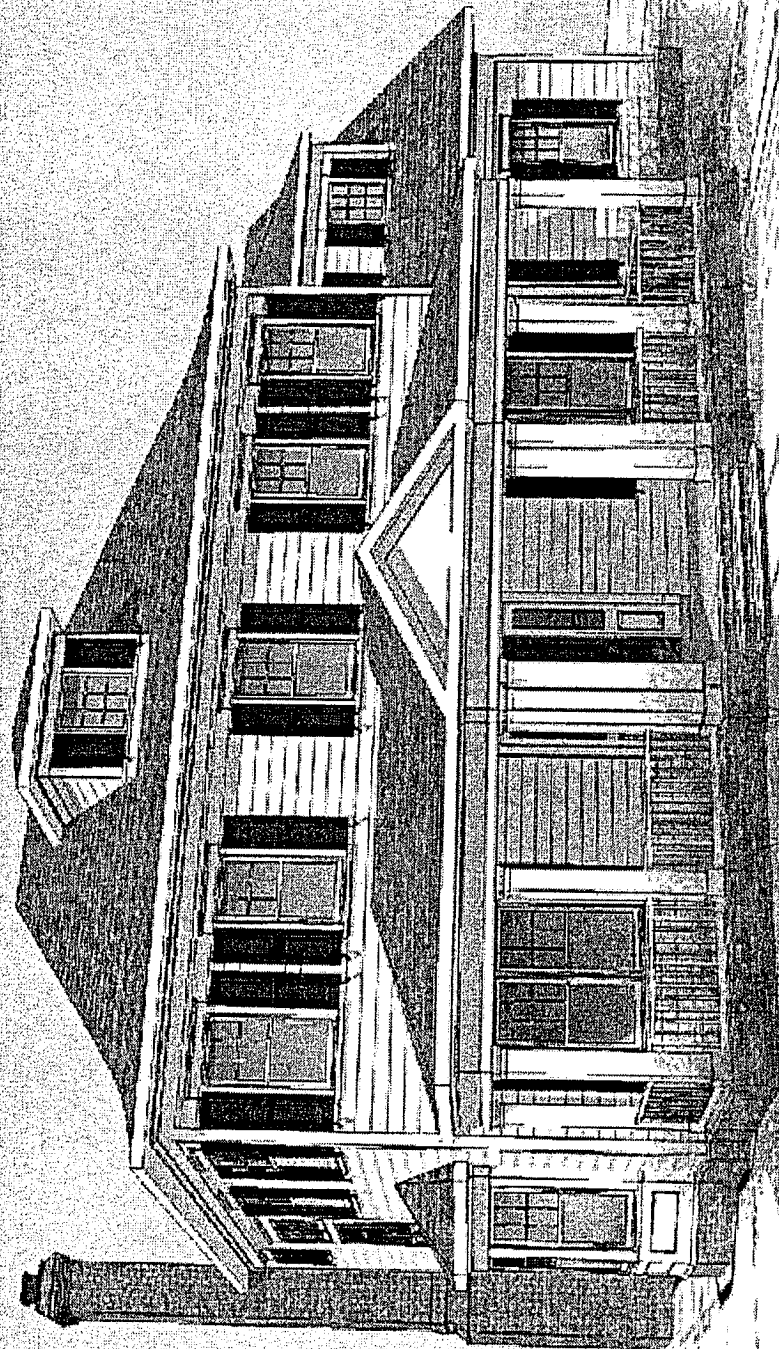


201UptonLot.jpg



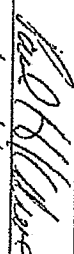

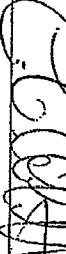






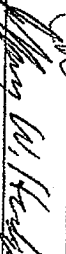
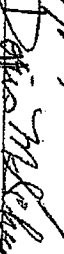


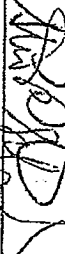
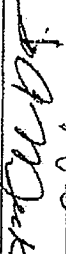
201UptonHouse.jpg





201 UPTON STREET PETITION (OPPOSITION TO HISTORIC DESIGNATION)

I, the undersigned, a Rockville City resident, am signing this petition to express my OPPOSITION to the proposed historic designation of 201 Upton Street. I am aware that if historic designation is denied, the plan is to demolish the existing home and erect a new home in its place. I therefore, request that the Mayor and Council vote to DENY the historic designation of 201 Upton Street.

	SIGNATURE	PRINT NAME	ADDRESS	EMAIL	PHONE #	DATE
1		Paul Keane	109 Upton St	phkeane@gmail.com	301-858-7241	2/4/12
2		Kara Kehoe	109 Upton St			2/4/12
3		ERIC ABBOTT	204 Upton St	verizon.net	301-315-8000	2/4/12
4		Maey Abbott	204 Upton St	books.girl.com	1-11	2/4/12
5		Helen Manos	219 Upton St	hmanos@verizon.net	301-640-6117	2/4/12
6		PATRICIA LAZOWSKI	216 Upton St	trichsteed@aol.com	1301-7279-7278	2/4/12
7		Flavio Renee	213 Upton St	terestvivo@hotmail.com	301-268-1737	2/4/12
8		Eve Lynn	214 Upton St	philom@gmail.com	301-424-1021	2/4/12
9		EVELYN CHRISTIANSON	212 Upton St			
10		Mary McHugh	207 Upton St	hudgets82@gmail.com	301-279-7324	2/4/12
11		David M. Schraft	207 Upton St	d.schraft@att.net	301-279-7524	2/4/12
12		John	206 Upton St	knave.thinkful.com	571-451-7951	2/4/12
13		Adam	203A Upton St	calycorp13@gmail.com	240-472-254	2/4/12
14		Steven P. Schneider	203 Upton St	reduphous@gmail.com	301-424-8774	2/4/12
15		Jo A. Meekin	112 Upton St	jo.meekin@montgomerycountymd.gov	301-738-1491	2/35/12







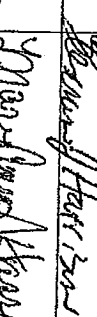
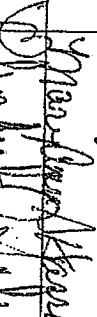
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	SIGNATURE	PRINT NAME	ADDRESS	EMAIL	PHONE #	DATE
1		Y. Chong	406 Beall Ave Rockville		301-412-3434	2/14/12
2		S. Rhodes	300 Gettysman Dr. Rockville		301-556-6861	2/10/12
3		J. Rhodes	300 Gettysman Drive Rockville		301-595-2003	2/12/12
4		J. Blocher	109 Forest Ave Rockville		301-434-8723	2/12
5		R. Hargrave	101 E. Main Ave		4	2/12
6						
7		Bernice Grossman	109 Beall Ave	Bernice.Grossman@mcstpamc.net	301-762-3006	2/14/12
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	SIGNATURE	PRINT NAME	ADDRESS	EMAIL	PHONE #	DATE
1		Patricia Dancer	200 Forest Ave	bedance5@gmail	301.340.5814	2/4/12
2		James J. Dwyer	8711 NE			2/9/12
3		Megan	157 Upton			2/12/12
4		Steven J. Harrison	113 Forest Ave.	securad@comcast.net	301-762-9477	2/12/12
5		Steven J. Harrison	115 Upton St	securad@comcast.net	301-762-9477	2/12/12
6		Steven J. Harrison	115 Upton St	securad@comcast.net	301-762-9477	2/12/12
7		Steven J. Harrison	115 Upton St	securad@comcast.net	301-762-9477	2/12/12
8		Steven J. Harrison	115 Upton St	securad@comcast.net	301-762-9477	2/12/12
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